

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GLORIA SHEPHERD,

Plaintiff,

v.

LAW OFFICE OF COHEN & SLAMOWITZ, LLP

Defendant.

**PROPOSED DISCOVERY
PLAN PURSUANT TO
FED.R.CIV.P. 26 (f)**

Civil Case No: 7:08-cv-06199

Hon. William C. Conner

Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on November ___, 2008 at approximately 2:30 p.m. by telephone and was attended by Daniel Schlanger, for the Plaintiff Gloria Shepherd, and Michael G. Mc Auliffe, for Defendant Law Office of Cohen & Slamowitz, LLP. The parties agreed to the discovery plan below.

1) DISCOVERY PLAN

A) Changes to the disclosure requirements under Rule 26(a) and the limitations of discovery as set forth in the Federal Rules of Civil Procedure:

No changes are currently anticipated regarding the timing, form, or requirement for disclosure under federal and local rules.

B) Date by which mandatory disclosures required under Rule 26(a)(1) will be made:

Mandatory disclosures will be made on or before the 31st day of December, 2008.

C) Subjects to be addressed in discovery, and whether discovery should be conducted in phases:

Discovery will address the following subjects:

- Claims under the Fair Debt Collection Practices Act 15 U.S.C. § 1692, et seq. (hereinafter, "FDCPA") brought by an individual consumer for Defendant's alleged violations, and seeking damages and declaratory judgment
- Claims under General Business Law §349 (hereinafter, "NYGBL § 349") alleging unfair, abusive and deceptive practices employed by Defendant in its attempt to collect an alleged debt.
- Claims for Defamation regarding Defendant's statements to third parties about Plaintiff's alleged debts.

Discovery should not be conducted in phases.

D) Forms of production for electronic discovery:

Electronic information should be preserved and provided on CD or DVD in whatever format(s) it is preserved, unless counsel ^{mutually} initially agree otherwise.

E) 26(c) protective orders, claims of privilege or protection.

Defendant anticipates seeking a protective order regarding certain discovery. No unusual privilege issues have currently been identified.

2) OTHER PROPOSED DATES

A) Discovery:

1. Interrogatories are to be served by all counsel no later than January 7, 2009, and responses to such interrogatories shall be served within thirty (30) days thereafter.

The provisions of Local Civil Rule 33.3 shall not apply to this case.

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2. First request for production of documents, if any, shall be served no later than **January 7, 2009.**
3. Depositions to be completed by **March 17, 2009.**
 - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
4. Any further interrogatories, including expert interrogatories, to be served no later than **April 17, 2009.**
5. Requests to Admit, if any to be served no later than **April 17, 2009.**
6. All discovery is to be complete by **May 29, 2009.**

B) Motions:

All dispositive motions shall be made on or before the **30th day of July, 2009.**

C) Joinder of parties and amendment of pleadings.

(i) Plaintiffs propose:

Any application to join any person as a party to this action shall be made on or before the **1st day of April, 2009.**

Any application to amend the pleadings to this action shall be made on or before the **1st day of April, 2009.**

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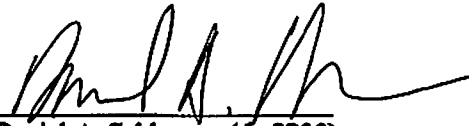
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The parties acknowledge that developments in the case and, particularly, in discovery, may warrant further modification of this proposed schedule.

Dated: White Plains, New York
November 26, 2008

Respectfully submitted,



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